

REMARKS

In the Office Action, the Examiner objected to claims 7 and 22, and rejected claims 1-6 and 8-21. The Applicants would like to thank the Examiner for indicating allowable subject matter in claims 7 and 22. By this paper, claims 8, 13-15, 19, 20, and 22 are amended to more clearly set forth certain aspects of the claimed subject matter. Support for the amendments may be found at least by viewing FIG. 2, with specific attention to reference numerals 16, 68, and 78, as well as page 7, line 24 – page 8, line 14, and page 11, lines 5-17 of the originally filed specification. Upon entry of these amendments, claims 1-22 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Interview Summary

The Applicants would like to thank the Examiner for the telephonic interview conducted on October 29, 2007 in which independent claims 1, 8, 13, and 19 were discussed, and during which the Examiner agreed that the current prior art of record does not anticipate independent claim 1. Specifically, the Examiner stated in the interview summary:

Discussed claim 1 regarding a first and second industry standard wireless system. Examiner agrees with applicant's representatives that Mantha does not teach power sharing between a first and second industry standard wireless systems. Instead as shown in section 0088, Mantha teaches power sharing between two services in one industry system. Also, discussed amending claims 13 and 19 to include a first and second industry standard wireless systems. Talked about amending claim 8 to overcome the 112 rejection.

Interview summary, page 2.

By this paper, Applicants have amended claims 8, 13-15, 19, 20, and 22 as discussed during the telephonic interview. The amendments do not narrow the scope of claims but rather have been made to more clearly point out certain features of the claimed subject matter. Further, no new matter has been introduced by the claim amendments.

Claim Rejection Under 35 U.S.C. § 112, First Paragraph

In the Office Action, the Examiner rejected claim 8 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. In particular, the Examiner stated:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Examiner can['t] find in the specification were it directly says "the first and second baseband systems sharing a platform."

Office Action, page 2.

Claim 8 has been amended to remove the recitation of "the first and second baseband systems sharing a platform." Additionally, claim 8 has been amended to recite "a baseband system comprising." This amendment is at least supported by FIG. 2, reference numeral 16. It is believed that this amendment obviates the 112 first paragraph rejection. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 8 under 35 U.S.C. § 112, first paragraph.

Claim Rejections under 35 U.S.C. § 102

In the Office Action, the Examiner rejected claims 1, 6, 13, and 17-20 under 35 U.S.C. § 102(e) as anticipated by Mantha et al., U.S. Patent No. 2004/0023622 (hereinafter “the Mantha reference”). Specifically, with regard to independent claim 1, the Examiner stated in relevant part:

Claim 1

Regarding claim 1, Mantha et al. system for allocating power teaches a device for allocating power comprising a power sharing module configured to receive a plurality of signals corresponding to at least one predicted power allocation (Sections 0015-0017 and 0080 or 105 of Fig. 4) and at least one current power allocation 110 and 115 (Fig. 4) and to determine from the plurality of signals whether a *first industry standard (Section 0048)* wireless system (voice service) corresponding to a first wireless service has un-utilized transmission power 115 and 120 (Fig. 4); and a scheduler configured to receive an indication to allocate the un-utilized transmission power from the first wireless service of the *first industry standard (Section 0048)* wireless system to the second wireless service of a *second industry standard (Section 0048)* wireless system (data service) and utilize the indication to allocate the un-utilized transmission power for the second wireless service 125 (Fig. 4, Sections 0008-0010 and 0057-0069).

Office Action, page 3 (emphasis added).

Applicants respectfully traverse this rejection. Anticipation under Section 102 can be found only if a single reference shows exactly what is claimed. *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 U.S.P.Q. 773 (Fed. Cir. 1985). For a prior art reference to anticipate under Section 102, every element of the claimed invention must be identically shown in a single reference. *In re Bond*, 910 F.2d 831, 15 U.S.P.Q.2d 1566 (Fed. Cir. 1990). To maintain a proper rejection under Section 102, a single reference must teach each and every limitation of the rejected claim. *Atlas Powder v. E.I. du Pont*, 750 F.2d 1569 (Fed. Cir. 1984). The prior art reference also must show the *identical* invention “*in as complete detail*”

as contained in the ... claim" to support a *prima facie* case of anticipation. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). Accordingly, the Applicants need only point to a single element not found in the cited reference to demonstrate that the cited reference fails to anticipate the claimed subject matter.

Omitted Features of claim 1, 13, and 19

Independent claim 1 recites, *inter alia*, "a power sharing module configured to receive a plurality of signals corresponding to at least one predicted power allocation and at least one current power allocation and to determine from the plurality of signals whether *a first industry standard wireless system* corresponding to a first wireless service has un-utilized transmission power; and...allocate the un-utilized transmission power from the first wireless service of *the first industry standard wireless system* to a second wireless service of *a second industry standard wireless system*." (Emphasis added).

As discussed in the telephonic interview with the Examiner on October 29, 2007, the Mantha reference fails to disclose power sharing between *a first and a second industry standard wireless system*. Instead, the Mantha reference discloses power sharing between voice and data signals of *a single wireless system*. See FIG. 5, paragraph 11, 48, lines 1-6, and paragraph 88, lines 15-18. There is no teaching in the Mantha reference of a second industry standard wireless system. Instead as discussed with the Examiner during the telephonic interview on October 29, 2007, the Mantha reference at best teaches power sharing between two *services* (voice and data) in *one industry standard system*. Contrast this with the language of claim 1, which recites power sharing between *a first industry standard wireless*

system and a *second industry standard* wireless system. Accordingly, the Mantha reference fails to disclose every element of independent claim 1. Independent claims 13 and 19 have been amended to include recitations directed to power sharing between *a first and a second industry standard wireless system*. As such, the arguments made above with regard to independent claim 1 also apply to independent claims 13 and 19.

As such, the Mantha reference fails to disclose all of the features of independent claims 1, 13, and 19. Accordingly, Applicants respectfully request withdrawal of the Section 102 rejection of claims 1, 13, and 19, and further request allowance of claims 1, 13, 19, and all claims depending therefrom.

Claim Rejections under 35 U.S.C. § 103(a)

In the Office Action, the Examiner rejected claims 2-5, 14-16, and 21 under 35 U.S.C. § 103(a) as unpatentable over the Mantha reference, in view of Jeon et al., U.S. Patent No. 2004/0253928 (hereinafter “the Jeon reference”). The Examiner also rejected claims 8 and 10 as being unpatentable over the Mantha reference in view of Kang, US Patent Application No. 2001/0016503 (hereinafter “the Kang reference”). Specifically, with regard to independent claim 8, the Examiner stated in relevant part:

Claim 8

Regarding claim 8, Mantha et al. system for allocating power teaches a *first baseband* (voice service) *system* that communicates with a first group of the plurality of wireless units 44 (Fig. 1) via a first plurality of communication channels (Fig. 1, V sub 1 to V sub V); and a *second baseband system* (data service, D sub 1 to D sub z of Fig. 1) that communicates with a second group of the plurality of wireless units 48 (Fig. 1) via a second plurality of

communication channels, the first and second baseband systems sharing a platform 24 and 40 (Fig. I, voice and data systems coming from the same base station) the *second baseband system* comprising a power sharing module configured to receive a plurality of signals corresponding to a plurality of predicted power allocation (Sections 0015-0017 and 0080 or 105 of Fig. 4) and a plurality of current power allocations 110 and 115 (Fig. 4) and to determine from the plurality of signals whether the *second baseband system* may allocate power from the *first baseband system* 110 and 115 (Fig. 4); and a scheduler configured to receive an indication to allocate un-utilized transmission power to the *second baseband system* from the *first baseband system* and to utilize the indication to allocate un-utilized transmission power for the second plurality of communication channels 110, 115, 120, and 125 (Fig. 4, Sections 0008-0010 and 0057-0069). Mantha et al. fails to teach a channel card.

Office Action, page 7 (emphasis added).

Applicants respectfully traverse this rejection. The burden of establishing a *prima facie* case of obviousness falls on the Examiner. *Ex parte Wolters and Kuypers*, 214 U.S.P.Q. 735 (B.P.A.I. 1979). To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 U.S.P.Q. 580 (C.C.P.A. 1974). However, it is not enough to show that all the elements exist in the prior art since a claimed invention composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR International Co. v. Teleflex Inc.*, 127 S.Ct. 1727, 1741 (2007). It is important to identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does. *Id.* Specifically, there must be some articulated reasoning with a rational underpinning to support a conclusion of obviousness; a conclusory statement will not suffice. *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006). Indeed, the factual inquiry determining whether to combine references must be thorough and

searching, and it must be based on *objective evidence of record*. *In re Lee*, 61 U.S.P.Q.2d 1430, 1436 (Fed. Cir. 2002).

Omitted Features of claim 8

Amended claim 8 recites, *inter alia*, “a baseband system comprising: a *first baseband system*...and a *second baseband system* comprising a power sharing module configured to receive a plurality of signals corresponding to a plurality of predicted power allocation and a plurality of current power allocations and to determine from the plurality of signals whether the *second baseband system* may *allocate power* from the *first baseband system*; and a scheduler configured to receive an indication to *allocate un-utilized transmission power to the second baseband system from the first baseband system*.” (Emphasis added).

As discussed in the telephonic interview with the Examiner on October 29, 2007, the Mantha reference fails to disclose power sharing between *a first and a second baseband system*. Instead, the Mantha reference discloses power sharing between voice and data signals of *a single baseband system*. See FIG. 5, paragraph 11, 48, lines 1-6, and paragraph 88, lines 15-18. There is no teaching in the Mantha reference of a second baseband system. Instead, as discussed with the Examiner during the telephonic interview on October 29, 2007, the Mantha reference at best teaches power sharing between two *services* (voice and data) in *one industry baseband system*. Contrast this with the language of claim 8 in which a recites power sharing between *a first baseband system* and *a second baseband system* each independently capable of supporting multiple services. See e.g. Application, FIG. 2, 68 and 78. Accordingly, the Mantha reference fails to disclose every element of independent claim 8.

Moreover, the Kang reference does not overcome the deficiencies of the Mantha reference with respect to claim 8. Specifically, the Kang reference discloses is directed decreasing deterioration of call quality in a CDMA system. *See Kang, paragraph [0020].* However, the Kang reference does not disclose power sharing between *a first and a second baseband system.* Thus, neither the Mantha nor the Kang references, taken alone or in hypothetical combination, disclose power sharing between *a first and a second baseband system* as recited in independent claim 8. Therefore, Applicants respectfully request withdrawal of the Section 103 rejection of claim 8, and further request allowance of claim 8 and all claims depending therefrom.

Omitted features of dependent claims 2-5, 14-16, and 21

Claims 2-5, 14-16, and 21 depend from independent claims 1, 13, and 19. As discussed above, the Mantha reference does not disclose every feature of independent claims 1, 13, and 19. The Jeon reference fails to overcome the deficiencies of the Mantha reference with respect to independent claims 1, 13, and 19. The Jeon reference discloses power allocation between a real-time service, such as voice or video, and a non-real-time service, such as a packet service of a single system. *See Jeon, paragraphs [0005]-[0007] and [0028].* However, the Jeon reference fails to disclose power sharing between *two industry standard wireless systems*, as set forth in independent claims 1, 13, and 19.

Accordingly, Applicants respectfully assert that claims 2-5, 14-16, and 21 are allowable based on their respective dependencies from independent claims 1, 13, and 19.

Serial No. 10/799,815
Amendment and Response to
Office Action Mailed August 9, 2007

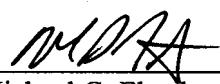
Therefore, Applicants respectfully request withdrawal of the rejection of claims 2-5, 14-16, and 21 and further request that the Examiner pass the claims to allowance.

Conclusion

In view of the remarks and amendments set forth above, Applicants respectfully request allowance of the pending claims. If the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

Date: November 7, 2007



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